

On remand to the Commissioner, the Administrative Law Judge will be instructed to: 1) evaluate the evidence relative to Plaintiff's carpal tunnel syndrome and back pain and determine whether these impairments were severe prior to September 30, 2003, Plaintiff's date last insured; 2) consider the opinions of the State Agency medical consultants in accordance with 20 C.F.R. section 404.1527 and *Social Security Rulings* 96-5p and 96-6p, being sure to explain the weight afforded to these opinions and cite record evidence in support of each conclusion; 3) reassess Plaintiff's residual functional capacity with citations to specific medical and non-medical evidence to support each conclusion; 4) reevaluate Plaintiff's ability to return to her past relevant work; and, 5) if necessary, secure vocational expert testimony to determine if a significant number of jobs exist in the national and/or regional economies that Plaintiff can perform with her residual functional capacity.

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. section 405(g), and in light of the Commissioner's and Plaintiff's request to remand this action for further proceedings, this Court hereby:

**REVERSES** the Commissioner's decision under sentence four of 42 U.S.C. section 405(g) with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for attorney's fees, including any motion for such fees under the Equal Access to Justice Act ("EAJA"). Plaintiff shall have thirty (30) days from final judgment in which to file any motion for attorney's fees under EAJA in this matter.

All pending motions are, hereby, terminated.

Signed: June 18, 2008



Dennis L. Howell  
United States Magistrate Judge



SEALED DOCUMENT with access to All Parties/Defendants